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## Third Committee

**Summary record of the 41st meeting**
Held at Headquarters, New York, on Wednesday, 2 November 2005, at 2.30 p.m.

*Chairman*: Mr. Butagira ..... (Uganda)

## Contents

Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 62: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family (*continued*)

Agenda item 64: Advancement of women (*continued*)

Agenda item 67: Promotion and protection of the rights of children (*continued*)

Agenda item 71: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

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*The meeting was called to order at 3.20 p.m.*

**Agenda item 39: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions** (*continued*) (A/C.3/60/L.64)

*Draft resolution A/C.3/60/L.64: Assistance to refugees, returnees and displaced persons in Africa*

1. **Mr. Wigwe** (Nigeria), introducing the draft resolution on behalf of the original sponsors, including the members of the African Group, and also Cyprus, the Czech Republic, Italy and the Netherlands, said that the sponsors felt strongly that the text must refer to the root causes of forced displacement in Africa and to the special attention required by persons with specific needs, such as women and children. It drew on the conclusions of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees regarding international protection and local integration and emphasized that adequate and timely assistance and early and effective registration and documentation helped to bring lasting solutions to the problem of refugees, returnees and displaced persons.

2. By engaging constructively with refugees, using a rights-based and community-based approach, the international community could encourage fair and equitable access to food and improved cooperation. As previously, the sponsors urged that the threats to the safety and security of the staff of the Office of the United Nations High Commissioner for Refugees should be addressed.

3. **Mr. Khane** (Secretary of the Committee) announced that Finland, Indonesia, Ireland, Lithuania and Slovenia had become sponsors of the draft resolution.

**Agenda item 62: Social development, including questions relating to the world social situation and to youth, ageing, disabled persons and the family** (*continued*) (A/C.3/60/L.6/Rev.1)

*Draft resolution A/C.3/60/L.6/Rev.1: Follow-up to the tenth anniversary of the International Year of the Family and beyond*

4. **The Chairman** said that the draft resolution contained no programme-budget implications and invited the Committee to take action on it.

5. **Ms. Bowen** (Jamaica), speaking on behalf of the sponsors, said that Armenia and the United States of America had joined in sponsoring the draft resolution. Describing the revisions to the original text, she drew attention to the addition of a new third preambular paragraph, referring to the family-related provisions of the outcomes of the major United Nations conferences and summits, and the alteration of the beginning of the final preambular paragraph and paragraphs 5 and 9. The deletion or merging of several paragraphs had resulted in the renumbering of subsequent paragraphs, while a new paragraph 6 noted the importance of an environment conducive to families, of respect for family members' human rights, of the reconciliation of work and family life and of parents' common responsibilities. A new phrase added to the end of paragraph 7 made clear the purpose of focal points on family matters. Finally, a new paragraph 11 made clear when and under which agenda item the subject of the current resolution would be taken up again. She hoped that the revised draft resolution would help to realize the objectives of the Organization's family programmes, emphasizing the goal of the International Year of the Family, which was to improve the capacity of national institutions to formulate and monitor family-related policies.

6. *Draft resolution A/C.3/60/L.6/Rev.1 was adopted.*

7. **Mr. Woodroffe** (United Kingdom), speaking on behalf of the European Union and, in addition, Albania, Bulgaria, Croatia, Liechtenstein, the Republic of Moldova, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, said that the European Union attached great importance to family-related issues, having adopted the first European Commission communiqué on family policies as early as 1989, and having subsequently adopted initiatives on parental leave, reconciling family and work life and improving the living conditions of vulnerable families.

8. Parents, carers and families played a crucial role in improving the lives of children and young people. Policies developed to support that role were necessary but must be inclusive if they were to be effective. Across the European Union, as in the rest of the world, the family was a living, dynamic entity, having

changed, and continuing to change, as time went on. The diversity of the family, acknowledged at the United Nations conferences and summits of the 1990s, must continue to be acknowledged in the ongoing discussion and development of policies. The European Union regretted that the resolution just adopted failed to do so, and reiterated its commitment to supporting all children, all families and all family members.

9. **Ms. Mudie** (Australia) said that her delegation wished to become a sponsor of the revised draft resolution, as a result of the changes to paragraph 11 of the original draft, which had become paragraph 9 of the revised draft.

10. **Ms. Stewart** (Canada), speaking also on behalf of Norway and Switzerland, said that the three delegations supported the family as the basic unit of society and recognized its role in promoting children's well-being and development. However, they also recognized that the family took many different forms, a fact which had been acknowledged in United Nations forums in the past and must be acknowledged when formulating policies in the future. They regretted that the current resolution had ignored such diversity, and looked forward to a more inclusive approach.

11. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the World Youth Report 2005 (A/60/61-E/2005/7); the report of the Secretary-General on a global analysis and evaluation of national action plans on youth employment (A/60/133 and Corr.1) and the report of the Secretary-General on making commitments matter: young people's input to the 10-year review of the World Programme of Action for Youth to the Year 2000 and Beyond (A/60/156).

12. *It was so decided.*

**Agenda item 64: Advancement of women** (*continued*) (A/C.3/60/L.16/Rev.1)

*Draft resolution A/C.3/60/L.16/Rev.1: Violence against women migrant workers*

13. **The Chairman** said that the revised draft resolution contained no programme-budget implications and invited the Committee to take action on it.

14. **Ms. Banzon** (Philippines) announced that Azerbaijan, Cambodia, Costa Rica, Eritrea, Mali, Nicaragua, Sri Lanka, Timor-Leste and the United States of America had joined the sponsors. Speaking on behalf of the sponsors, she said that the draft resolution had been revised to reflect more clearly the situation of women migrant workers and the desire for cooperation among countries of origin, transit and destination to protect them against violence, exploitation and abuse.

15. **Mr. Khane** (Secretary of the Committee) announced that El Salvador, Ethiopia and Haiti had become sponsors of the draft resolution.

16. *Draft resolution A/C.3/60/L.16/Rev.1 was adopted.*

17. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Office of Internal Oversight Services on the audit of the United Nations International Research and Training Institute for the Advancement of Women (A/60/281).

18. *It was so decided.*

**Agenda item 67: Promotion and protection of the rights of children** (*continued*) (A/C.3/60/L.18/Rev.1)

*Draft resolution A/C.3/60/L.18/Rev.1: The girl child*

19. **The Chairman** said that the draft resolution contained no programme-budget implications and invited the Committee to take action on it.

20. **Mr. Khane** (Secretary of the Committee) announced that Belarus, Belize, Cameroon, Chile, China, Côte d'Ivoire, the Dominican Republic, Eritrea, Ghana, Kyrgyzstan, Mongolia and the Philippines had become sponsors of the draft resolution.

21. **Ms. Muuondjo** (Namibia), speaking on behalf of the Southern African Development Community and other original sponsors, announced some minor drafting changes and said that Andorra, Armenia, Austria, Canada, Colombia, Croatia, Cyprus, Grenada, Italy, Japan, Jordan, Liechtenstein, Lithuania, Malaysia, Saint Lucia, Saint Vincent and the Grenadines, Serbia and Montenegro, Spain, Sweden, the former Yugoslav Republic of Macedonia and Thailand also wished to become sponsors of the draft resolution. They hoped that the text, whose sole aim was to emphasize the plight of the girl child, would be adopted by consensus, as had occurred in the past.

22. **Mr. Khane** (Secretary of the Committee) announced that Antigua and Barbuda, Australia, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, El Salvador, Haiti, Honduras, Palau, the Republic of Moldova, Romania, Switzerland, Timor-Leste and Ukraine had also become sponsors.

23. **Ms. Shestack** (United States of America) said that her delegation wished to propose two amendments to the draft resolution and to request that they should be put to a recorded vote together. In paragraph 1, it wished to add the words "by the States parties" following "Stresses the need for full and urgent implementation" and delete the words "as well as the need for universal ratification of those instruments".

24. **Ms. Muuondjo** (Namibia), speaking on behalf of the Southern African Development Community and the many other sponsors of the draft resolution said that, while respecting the views of the United States delegation, they attached great importance to full and urgent implementation of the rights of the girl child under all instruments, and to universal ratification of the two Conventions referred to in paragraph 1. They were unwilling to compromise on those important objectives, would vote against the proposed amendments and urged all other Member States to do likewise.

25. **Mr. O'Neill** (United Kingdom), speaking on behalf of the European Union, said that the European Union strongly supported the draft resolution, believing that it would foster international awareness and understanding of issues that might limit girls' full enjoyment of human rights. The text resulted from long and constructive consultation and deserved the unanimous support of Member States. As the Convention on the Rights of the Child remained the most widely recognized mechanism for protecting children's rights, the European Union would vote against amendments intended to weaken previously agreed references to that Convention. It urged other delegations to do likewise.

26. A recorded vote was taken on the amendments proposed to draft resolution A/C.3/60/L.18/Rev.1.

*In favour*:

Singapore, United States of America.

*Against:*

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

*Abstaining*:

Qatar, Saudi Arabia.

27. *The amendments proposed to draft resolution A/C.3/60/L.18/Rev.1 were rejected by 157 votes to 2, with 2 abstentions.**

28. *The draft resolution, as orally revised, was adopted.*

29. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that it was unable to act as a sponsor of the draft resolution because the fourth preambular paragraph referred to the 2005 World Summit Outcome, which it regarded as merely a working paper entailing no mandate or obligation for Member States. However, her delegation wished to affirm its commitment to the fight to ensure that girls were able fully to enjoy all their human rights on the basis of equality.

30. **Ms. Shestack** (United States of America) said that the United States was firmly committed to the empowerment of women and the promotion of women's fullest enjoyment of universal human rights and fundamental freedoms and had devoted substantial financial and human resources towards related programmes and activities.

31. The Beijing Declaration and Platform for Action constituted an important policy framework but did not create international legal rights or legally binding obligations for States under international law. Her delegation's reaffirmation of the goals, objectives and commitments of those documents did not constitute a change in its position with respect to treaties that it had not ratified.

32. Her delegation fully supported the principle of voluntary choice regarding maternal and child health and family planning. It did not recognize abortion as a method of family planning and did not support the inclusion of abortion in the Organization's reproductive health assistance. It understood that the use of the phrase "reproductive health" in the fourteenth preambular paragraph and paragraph 25 of draft resolution A/C.3/60/L.18/Rev.1 did not create any rights and could not be interpreted as constituting the support, endorsement or promotion of abortion.

33. The wording of paragraph 1 of the draft resolution was unacceptable to her delegation, as it implied that all States had obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women and called for their universal ratification. Her delegation wished it to be noted that its proposed amendments to the paragraph had been rejected, both during the Committee's informal discussions and during the formal vote.

**Agenda item 71: Human rights questions** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/60/L.38)

*Draft resolution A/C.3/60/L.38: Human rights in the administration of justice*

34. **Mr. Khane** (Secretary of the Committee) said that Albania, Armenia, Israel, Japan, Paraguay, the Philippines, San Marino, Serbia and Montenegro, Thailand, Turkey and Uruguay had joined the list of sponsors at the time of its introduction, but that Serbia and Montenegro had subsequently withdrawn its sponsorship.

35. **Mr. Lutterotti** (Austria) said that in order to achieve consensus on the draft resolution his delegation wished to make changes to the text. In the fifth line of paragraph 13 the word "welcomes" should be replaced by "takes note with appreciation of". In the fifth line of paragraph 17 the word "proposed" should be inserted before the words "Peacebuilding Commission", and in the sixth line of the same paragraph the words "as proposed in the 2005 World Summit Outcome" should be deleted.

36. **Mr. Khane** (Secretary of the Committee) said that Australia, Belarus, Dominican Republic, Iceland, Jordan, Mali, Nigeria, Peru, the Republic of Moldova and Suriname had joined the sponsors.

37. **Ms. Ginsburg** (United States of America) said that her delegation wished to propose amendments to the draft resolution. Paragraph 1 should be amended to read: "Reaffirms the importance of the full and effective implementation by States of the obligations they have undertaken concerning human rights in the administration of justice". Paragraph 2 should be amended to read: "Reiterates its call to Member States to spare no effort in providing for effective legislative

* The delegation of Qatar stated that as a result of an electronic system failure, its vote had not been correctly recorded. It wished to vote against the proposed amendments.

and other mechanisms and procedures as well as adequate resources to ensure the full implementation by States of the obligations they have undertaken with respect to human rights and the administration of justice". In paragraph 14 (first line) the word "welcomes" should be replaced by the word "notes".

38. The reference in the existing paragraph 1 to "all United Nations standards on human rights in the administration of justice" encompassed numerous items included in the Compendium of United Nations Standards and Norms on Crime Prevention and Criminal Justice and in the United Nations Blue Book. Most of those so-called standards were simply recommendations to Member States and had never been intended as legally binding obligations that were to be fully and effectively implemented. The United States would take a very different approach in future negotiations on similar non-binding instruments. Paragraphs 1 and 2 should be revised because Member States might have substantive policy or legal differences with some or many of the non-binding standards, and few, if any, Member States were truly in a position to give full and effective implementation to all of them. The fact that the language under discussion had been adopted in previous years did not make her delegation's arguments any less compelling.

39. Her delegation was willing to note the Guidelines mentioned in paragraph 14 but, for various policy and legal reasons, did not welcome them. With respect to the other items being "welcomed" in the draft resolution, a far better approach would be to "note" them, without editorial comment. If the sponsors did not accept the proposed amendments, her delegation would not insist on a recorded vote and was prepared to withdraw them.

40. **Mr. Lutterotti** (Austria) said that the sponsors attached great importance to paragraphs 1 and 2, which were key to the draft resolution, and could not accept the proposed amendments. While mindful of the concerns expressed by the United States delegation, the sponsors would request that the proposed amendments should be withdrawn.

41. **Ms. Ginsburg** (United States of America) withdrew the proposed amendments.

42. *Draft resolution A/C.3/60/L.38, as orally revised by the sponsors, was adopted.*

43. **Ms. Shestack** (United States of America) said that her delegation wished to re-emphasize that it did not accept paragraphs 1 and 2 of the adopted text.

44. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation wished to express its unqualified reservation concerning paragraph 17 of the draft resolution, not just because it mentioned the 2005 World Summit Outcome, but also because it referred to issues on which her delegation had established a clear position. First, the Peacebuilding Commission had not been given responsibilities in the administration of justice, and the Secretary-General's future role in the administration of justice in post-conflict situations was unclear. Second, with respect to the express reference made to the Rule of Law Assistance Unit, her delegation believed that the rule of law was only a means to safeguard legality and did not require technical assistance. It was a serious error to give the Unit responsibility for technical assistance activities in post-conflict situations, since it was clearly the exclusive competence of States to provide such assistance and to determine the type of assistance required.

45. Third, her delegation remained concerned about the conditions for activating the Peacebuilding Commission. Only the State concerned could determine when the conflict had ended, request a peacebuilding operation, propose the necessary post-conflict strategy and establish the basis for its future development, in exercise of its right to self-determination. However, any such State must have an established or transitional Government in place, with sufficient support to request a peacebuilding operation. If such conditions were not in place, it was difficult to see how functions and responsibilities could be assigned to United Nations programmes and activities in an area as delicate as the administration of justice.

46. **Ms. Antonijević** (Serbia and Montenegro) said that her delegation had joined the consensus on the draft resolution and fully supported its objectives. However, it remained concerned about the publication entitled "Protecting the rights of children in conflict with the law" mentioned in paragraph 13. Although the publication was a useful tool in the administration of juvenile justice, her delegation took exception to the reference made in that publication to the Serbian province of Kosovo and Metohija as a country, which was incorrect.

47. Kosovo and Metohija was a part of the territory of Serbia and Montenegro, as explicitly affirmed by Security Council resolution 1244 (1999). Therefore, any reference to Kosovo and Metohija as a country was totally inaccurate and unacceptable, and the reference to the publication should not be interpreted as implying that it had been endorsed by the General Assembly.

*Draft resolution A/C.3/60/L.39: Effective Promotion of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities*

48. **Mr. Khane** (Secretary of the Committee) announced that the draft resolution contained no programme budget implications and reminded the Committee that Australia, Belarus, Costa Rica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Guatemala, Iceland, Mexico, Norway, the Republic of Moldova, Thailand and Timor-Leste had joined the sponsors at the time of its introduction.

49. **Mr. Lutterotti** (Austria) said that Armenia, Brazil, China, Latvia, Peru, the Republic of Korea, the Russian Federation, San Marino, Sweden and Uruguay had also joined the sponsors. He read out a number of minor revisions, including those made when the draft resolution had first been introduced. Paragraph 15 had been deleted in order to obviate the need for programme budget resources.

50. *Draft resolution A/C.3/60/L.39 was adopted.*

51. **Ms. García-Matos** (Bolivarian Republic of Venezuela) said that her delegation wished to express its reservation concerning the second preambular paragraph of the text, as it referred specifically to the 2005 World Summit Outcome, which was a working paper entailing no mandate for the Bolivarian Republic of Venezuela.

*The meeting rose at 4.40 p.m.*